

MINUTES OF THE PLANNING COMMISSION MEETING OF JUNE 15, 2005, AT 6:00 P.M.  
IN THE COTTONWOOD HEIGHTS CITY COUNCIL CHAMBERS.

MEMBERS PRESENT: Jim Keane, Geoff Armstrong, Doug Haymore, Gordon Nicholl, JoAnn Frost, Sue Ryser, Blaine Davis, and Jerri Hartwell

EXCUSED: Tom Bowen

STAFF PRESENT: Community Development Director Kevin Smith, City Planner Michael Black, City Attorney Shane Topham, City Recorder Linda Dunlavy

ALSO PRESENT: Craig Sturm, Amy Rosevear, Steve Hopkins, Gordon Thomas, Kelvyn Cullimore, Chris Connealy, Mike Archuleta, Dan Lovejoy, Barbara Lovejoy, Joe Crilly, Mr. & Mrs. Falk, Bret Zawacki, Steve Halligan, Gemara Cosly-Bennett, Vera Winn, Marti & Tony Frankovich, Bill & Betsy Jensen, Arlen Ekberg, Jeffrey Mikell, Paul Suitor, Christine Mikell, Michelle Suitor, Fern Baird, Alan Kristensen, Keith Breanger, Sam Schroyer, Ken & Karen Borg, Dave Winn, Donna Pignanelli, Leo Pignanelli, Tony Pignanelli, Chad & Stacy Mayberry, Ramona Doyle, Mary Wells, David Campbell, Mary Lunge, Michele Nuttal, Jan Drake, Sandra & Roy Stephenson, Cynthia Hoopes, Justin VonBrester, David Alfaro, Dale Howell, Clair Paulsen, Doug Shelby, Barbara Van Duren, Barbara & Gary Peterson, Paul & Terri Garner, Skip Sullivan, Eric Montague, Vicky Kaufmann,

**1.0 PUBLIC COMMENT**

- 1.1 Amy Eckstrom Rosevear, 2340 East 7645 South, suggested that a good way to address setbacks between commercial and residential zones is to look at the site design guidelines and commercial development plans and use things such as excessive landscaping which is beneficial to residences; she expressed concern that home occupations are permitted uses in all of the residential zones; and that animal rights are not spelled out in the ordinance. She also suggested that the City address accessory dwelling units. The Commission asked Ms. Rosevear to provide a copy of the ordinances she referred to.
- 1.2 Steve Hopkins, Old Mill Corporate Center, said that the Old Mill Trail is now opened for bikers and runners. He said that they are working on a trail down Holladay Blvd. and would be happy to work with Cottonwood Heights on the trail.
- 1.3 Keith Biesinger, Hog Wallow Pub, 3200 East Big Cottonwood Canyon Road, stated that his business is a Class D private club, and is a nonconforming use in an A-1 zone. He

asked the Commission to consider rezoning the property to a zoning that is consistent with the use.

City Planner Michael Black said that the most consistent use would be Neighborhood Commercial and would allow for a private club.

Mr. Biesinger asked if he would be able to install two doors in the front for heating and to check people as they come in.

Mr. Black said that would be acceptable under the nonconforming building and structures uses.

Mr. Smith said that the Commission could rezone this area to Neighborhood Commercial; show it on the General Plan as commercial and let Mr. Biesinger apply for the change; or leave it as a nonconforming use which leaves the ability to apply for additions and modifications.

**3.0 AMENDMENTS, REVISIONS, AND MODIFICATIONS TO THE  
COTTONWOOD HEIGHTS CITY CODE – RECOMMENDATION FOR  
ADOPTION**

**3.1 MOTION:** Doug Haymore moved to recommend to the City Council that the area of the Hog Wallow Pub be rezoned from A-1 to Neighborhood Commercial with all of the processes for change that are pertinent. The motion was seconded by Geoff Armstrong.

**3.2 Discussion:** JoAnn Frost said that she would feel more comfortable going through the process on the use.

Mr. Black explained that after the General Plan is adopted, the process would be for the applicant to apply for a General Plan amendment, and if the General Plan amendment is approved, the applicant could then apply for a zoning amendment.

Mr. Haymore said that this is a specific use that has been ongoing and suggested the zoning be changed at this time to make it a conforming use. He said that any changes would have to come through the public process and the status quo is maintained.

Mr. Davis expressed concern with doing anything without notice to the neighbors.

Mr. Black said that the entire City has been noticed that changes will be made to the zoning map.

Mr. Smith said that if the Commission wants to get into a neighborhood discussion on a specific zone change, where a material change is being made, perhaps it should be done after the General Plan and Zoning Map are adopted.

**Vote:** The motion passed on a voice vote with JoAnn Frost and Sue Ryser voting no.

- 3.3 Mr. Keane said that Chapter 19.46.090, paragraph 2 was to include the wording “drought tolerant”.

Mr. Black said that the City should either require a percentage, or have all or none of the planting drought tolerant. He said that during site plan review Staff can encourage the use of drought tolerant plants where it is best suited.

Mr. Black will include wording to that effect in the documents.

- 3.4 Gordon Nicholl stated that on Page 83, 19.76.035, it states that an appeal to a Planning Commission decision will go to the Board of Adjustment; and Page 121 19.84.110 refers to Board of Adjustment; and Page 129 19.90.040 refers to appeals going to the City Council. It was the general consensus of the Planning Commission that any discretionary decisions should go before the elected body, rather than the Board of Adjustment.

He also stated that Page 25, Chapter 19.05.030 regarding terms should show a period after the word ‘years’. Mr. Nicholl said the stipend of \$25 per meeting was discussed last week and it was felt that the Planning Commission should be consistent with the Board of Adjustment.

- 3.5 Jerri Hartwell, asked if Chapter 19.91 Sexually-Oriented Businesses, could include the wording that a sexually-oriented business cannot go in next to a residential facility where there are sex offenders.

City Attorney Shane Topham said that the Planning Commission will have input on this issue, but where sexually-oriented businesses are permitted likely will not be in residential settings. Mr. Topham stated that he just completed Chapter 19.69 that will be handed out this evening, describing the rules for placement of residential facilities for persons with a disability and there are some controls over placement of those facilities.

Mr. Nicholl said he believes that the State may have the ability to put special use facilities such as half way houses for drug use and sex offenders in a residential area and the City may not have any control.

Mr. Topham said that if a business was already established, and the State mandated placement of a facility, the City probably could not do much.

Mr. Haymore stated that the City would never allow zoning for a sexually-oriented business which is a commercial use next to a residential use area because it is against the rules as they stand.

**2.0 COTTONWOOD HEIGHTS GENERAL PLAN – RECOMMENDATION FOR ADOPTION**

- 2.1 Prior to opening the public hearing Chair Nicholl stated that it is the understanding of the Planning Commission that there was information sent out regarding the foothill overlay area, specifically above Top of the World Drive. He stated it is not the intent of the Planning Commission to make any changes to adversely affect the foothill overlay zones and they will remain the way they were under County regulations. He said that if the residents have received anything that says the City is changing the zoning to allow for cluster buildings or anything like that, to be advised that will not happen.
- 2.2 Community Development Director Kevin Smith said that there has been a simplification of zones, but no major changes. He explained that over the next six months there will be discussions on topics that relate to the foothills and canyons.
- 2.3 Soren Simonsen, General Plan consultant, gave an overview of the General Plan process and summarized the draft document.
- 2.4 Chair Nicholl opened the public hearing.
- 2.5 Paul & Terry Garner, 8963 Kings Hill Drive, stated “We border the private land on the foothills. Our water pressure is poor. If development is allowed will the City take care of the services including water? We are strongly against further development on the foothills!!”
- 2.6 Roy Stephenson, 8962 South Kings Hill Drive, said he has read the plan and has issues concerning the annexation area, where the plan states that there could be as many as 1200 homes built in this area with residential zoning down to 1/3 acre lots. The Commission stated earlier that there were no potential plans for that type of development. He also expressed concern about the development at the mouth of Big Cottonwood Canyon.

Mr. Nicholl said regarding the issue of 1/3 acre lots in the area being discussed, the Commission has not even discussed that area.

Mr. Haymore stated that it would be his position that density not be increased in the canyons. The consultants have discussed clustering, but Mr. Haymore said he believes clustering is offensive to most people that live in the area and the Planning Commission will make sure it does not happen where that it is within their power.

Mr. Nicholl said that Terry Diehl has proposed 46 lots, but there are no specifics until he makes a presentation to the City.

Mr. Topham noted that the plat for the Terry Diehl subdivision has been recorded.

- 2.7 Jan Drake, 8705 South Kings Hill Drive, stated “Zoning on the private property strip above Top of the World Drive and Kings Hill Drive – please support maintenance of current zoning on this strip. There is a history here on the why and wherefore on current zoning (i.e. geological findings). Please review this file and appreciate that the reasons given for the current zoning as well as our location on the Wasatch fault, the instability of the soil and its impact on any further development and upon the existing residences should development, higher density, be permitted. For your review I have attached a copy of a 1973 report. General Plan should consider the Wasatch Mountains themselves and how mountain particulars (i.e. geologic) may be unique to Cottonwood Heights General Plan that aren’t in other municipality plans. Thank you for your consideration.”

Soren Simonsen, said that in term of the Wasatch Mountains, the open space element addresses preserving open space as a primary goal but allowing the maintenance of existing zoning densities. The visual qualities are a key consideration and are addressed in the natural hazards section.

- 2.8 Arlen Ekberg, 7135 Ponderosa Drive, expressed concern for cut through traffic on Ponderosa Drive. He said that it isn’t just cars that cut through, it is school buses, UTA buses, semi-trucks, cement trucks, waste container trucks and tandem trailer tankers have cut through. He believes the development of Fort Union will compound the problem.

Mr. Smith said that many of the comments deal with traffic concerns. The Transportation Capital Facilities Plan will be very specific about those types of issues including traffic calming in neighborhoods.

- 2.9 David Alfaro, 7933 South Majestic Ridge Drive, stated “Many in our neighborhood along Majestic Ridge Drive have expressed interest in a speed bump near the bottom of the hill where it curves west to become Bridgeport. I have witnessed several very fast speeders. It is a 25 mph street and emergency vehicles would have to slow anyway to safely make the turn.

Mr. Smith said that citizens that have traffic calming concerns should report them to the City. They are being forwarded to the City Engineer and consultants to help the City find solutions.

- 2.10 Barbara Lovejoy, 6659 Greenfield Way, stated “Is there anything that can be done about the monstrosity under construction (for over 15 years) on Meadow Downs Way? It has 12 building violations, but nothing has been done by the County. It is also a fire hazard and eyesore.”

Mr. Black suggested that Ms. Lovejoy contact Mike Dolan and he will discuss what is going on with this house.

- 2.11 Tony Pignanelli, 6809 South 1530 East, stated “The future of the property around Mountview Elementary School is very important to this City.”
- 2.12 Bret Zawacki, 9060 South Kings Hill Place, stated that he is all for growth, building and revenue, but was told by the County that the land between the top of Kings Hill Drive and the end of Kings Hill Place would be zoned R-20. He questioned why the City is suggesting third-acre lots when people fought for that zoning.

Mr. Smith said that is not an area where the City is suggesting third acre lots.

Mr. Zawacki asked why the residents in the area can’t get new infrastructure if one developer and a few builders can change the entire hillside.

Mr. Haymore said that it is not the Planning Commission’s intention to increase density and that they will recommend adoption of a map that maintains the minimum of R-1-20 and reject the suggestion that clustering in that area be used.

- 2.13 Sandra Lukas-Stephenson, 8962 South Kings Hill Drive, said the maps shows an area of possible annexation. She questioned whether the property will be divided into third-acre lots and where the access point will be if the property is annexed.

Mr. Haymore noted that any annexation will begin with the property owners.

Ms. Lukas said it is a hot topic for many residents and asked that the Commission make sure the residents are notified if an annexation is proposed.

- 2.14 David Winn, 8436 Kings Cove Drive, said that he does not want to see any new business development at the mouth of Big or Little Cottonwood Canyons and does not want to see short-term lodging approved. He said that ski rentals deteriorate the neighborhood because the properties are not maintained.

Ms. Frost said that she does not want to compete with lodging in a bedroom community and the Planning Commission is sensitive to this issue.

- 2.15 Chad & Stacey Mayberry, 7958 South Meyer Vista Cove stated “We have been told that Lynn Nielsen has bought the abandoned home on 7921 South Highland and that he plans to turn it into a reception center. This home sits far back from Highland, but is very close to the homes in Willow Stream Subdivision. We strongly disapprove of a business being put into this home. We would welcome talking with you and having you to our home to see how close it sits. We feel there would be a parking lot we would be looking at, noise, and overall disturbances to our neighborhood which would mostly take place when we are home on the weekends.”

- 2.16 Leo Pignanelli, 6809 South 1530 East, told the Commission he believes the Mountview school property should be something recreational like a skate park. He said there are a lot of kids in the neighborhood that have to go to Cottonwood Skate Park and it would also be a good idea to expand that park..
- 2.17 Dale Howells, 2252 East 6450 South, asked the Commission if they are going to abide by the rules that were hammered out by Holladay for the Cottonwood Corporate Center. He said the buildings that are left can only be two stories.

Mr. Nicholl said that this is information that is in the County record and will be reviewed and considered by the Planning Commission.

- 2.18 Craig Sturm, 8117 Deer Creek Road, told those in attendance that he has created a website that is an online forum. Residents can access the website at [www.cottonwoodheightsadvocate.com](http://www.cottonwoodheightsadvocate.com).
- 2.19 Marti & Tony Frankovich, 8585 Top of the World Circle, state "The area above Top of the World has been thoroughly discussed over the years. Don't mess with it. The area is a part of the Wasatch Fault and is unstable. This study was ignored when the subdivision was established."
- 2.20 Michele Nuttall, 1945 East LaCresta, wrote "Higher commercial development along Fort Union will increase traffic – get the traffic problems under control before you allow this development. The neighborhoods end up bearing this burden."
- 2.21 Donna Pignanelli, stated that cut through traffic is a problem on LaCresta. She said the residents should keep there eye on this area to see the treatment the residents receive because it will be a barometer for the rest of the community.
- 2.22 Barbara & Gary Peterson, 9022 Kings Hill Drive, wrote "My interest today is to protect the foothills. I would like to see the area improved for hiking, picnicking, etc. as well as wildlife preservation, not for housing developments."
- 2.23 Alan Kristensen, 2170 E Castel Hill Avenue, wrote "Castle Hill Avenue is a steep road and high school students and others go quickly down this road. I suggest speed bumps on steep part to slow traffic. This still allows for snow plows."
- 2.24 Barbara Van Duren, 6661 Village Road, wrote "I would like details of planned areas for sidewalks and timeline, plus the exact impact on residents and would like more detail on plans for the "Gateway" area from the freeway exit to 7000 South."

Mr. Nicholl said that the Planning Commission does not intend on forcing sidewalks on every neighborhood.

Mr. Smith explained said that for the most part sidewalks will be addressed on a neighborhood basis. The only exceptions will be issues such as safe walking routes around schools.

Soren Simonson said that during the scoping meetings many people had strong feelings about sidewalks throughout the community. A previous draft included language that proposed that the City have a policy to look at creating sidewalks throughout neighborhoods. Based on the comments at the last public hearing the plan states that sidewalks are a neighborhood issue and need to be addressed by the residents.

- 2.25 Fern Baird, asked about the possibilities for “up zoning” for the areas that have not yet been developed.

Mr. Nicholl stated that those issues will be handled on a case by case basis.

Ms. Baird also asked if the Old Mill could be used as a cultural center.

- 2.26 Doug Shelby, 4318 Lynne Lane, Holladay, UT, said that some of the maps he had seen showed open space at the Holladay Gun Club level and questioned if that open space was considered for the hillsides that are steeper than 30 percent because he would like to have the ability to put homes in that area. He also explained to the Commission that the road was designed to hook on to Terry Diehl’s property and on to Canyon Cove Drive. Mr. Shelby also said that the maps show mixed use of the Wasatch Blvd level of the gravel pit and it will be quite a while before he is ready to change. He said the mixed use provides some guidance for the utility companies to provide the necessary utilities when they are needed.

Mr. Shelby also stated that the City needs to be sensitive about the cost of trails. He said that it would be nice to connect a trail at the mouth of Big Cottonwood Canyon with the trail system they developed in the Corporate Center.

Regarding the Old Mill, Mr. Shelby explained that the building was poorly built and the walls have no continuity. He has been told the best thing he could do is tear it down and put up a steel structure

- 2.27 Eric Montague, Highland Drive, said that General Plan needs a lot of work. He said these are recommendations and the City does not need to take them. He likes the city the way it is and does not want to see it change. He said that the General Plan is too general and needs to be more specific.
- 2.28 Vera Winn, 8436 Kings Cove Drive, said a park has been created next to the fire station and the owners do not have their dogs on leashes. She asked if anything can be done. She also asked if bags could be provided for the dog owners.



Chair Nicholl suggested there be signage provided stating that dogs should be kept on leashes.

- 2.29 Dave Winn, 8436 South Kings Cove Drive, said the Old Mill is very historic and asked if there was anything in the plan to try and save it. He questioned if there could be any help from the State Historical Society.

Mr. Nicholl explained that the building is located on private property.

- 2.30 Skip Sullivan, wrote "Is the area in green on the foothills all zoned 20 acres? If so, is this 2004 map showing one acre lot inaccurate?"

Mr. Black stated that the map is accurate and the zoning will remain the same.

Mr. Topham explained that the City can rezone properties, but cannot take away all economic use of a piece of property. In order to do the rezone the City would have to go through the public process.

- 2.31 Joyce Skidmore, 2629 Oak Creek Drive, said that she lives on a dead end and several years ago the County granted them permission to purchase the dead end. She did not purchase it at the time, and asked if the permission was still valid.

Mr. Smith will talk to Ms. Skidmore about this issue.

- 2.32 Randy Long, Kings Hill Drive, said he is a former member of the Bonneville Shoreline Trail Committee and stated the trails purpose is to preserve the urban interface. He said that any zoning changes should be to up zone the property and that there should be no development at all in the foothills.

- 2.33 Jason Aherra, Kings Hill, said that it is his understanding that the owner of the vacant lots in his area is prohibited from building on them until there is a turn-around for a fire truck and a water tank. He said it is a popular recreation area and people turn their dogs loose in the area and asked if dog bags and signage could be placed in this area. He will contact Staff about these concerns.

- 2.34 **MOTION:** Mr. Haymore moved to recommend approval of the General Plan as it has been presented tonight with the following changes: (1) that the Urban Trail map numbered 5.1b be included; and (2) that the goal language in Chapter 7-1 be modified to include "the primary goal of Cottonwood Heights be to maintain the current housing ratio and character as currently exists".

**Second:** The motion was seconded by Mr. Armstrong.

**Discussion:** Mr. Haymore said that the citizens like what they had when it came to housing type and breakdown.

Mr. Nicholl said that he does not have a problem voting for the motion, but would like to see it in writing prior to approval.

Mr. Davis said that he is concerned with the use of the wording “primary” goal because he does not believe it is the primary goal to maintain the density. The primary goal is to maintain the quality of life.

Mr. Keane seconded the proposed amendment made by Mr. Davis.

Mr. Topham noted that even though the General Plan will probably have effect for at least five years the moderate income housing element by statute has to be reviewed every two years.

Mr. Keane asked if language should be included that states the City likes the status quo throughout the entire documents.

Mr. Simonsen said he believes it is clearly stated in the vision statement, but could elaborate on each goal.

Mr. Haymore believes this is accomplished by passing his motion with the addition that the City Council look very carefully at the language to make sure it includes that thought as well.

**RESTATEMENT OF MOTION:** Mr. Haymore moved to recommend approval of the General Plan as it has been presented tonight with the following changes: (1) that the Urban Trail map 5-1b be included; (2) that Chapter 7-1 include language that makes the City Council comfortable that the tone is for the purposes discussed; and (3) that the entire document state that we like Cottonwood Heights and are dealing with long-term changes as opposed to a wholesale change;

**Second:** Mr. Armstrong agreed with the motion

**Vote:** The motion passed unanimously on a voice vote.

**MOTION:** Mr. Davis moved to continue the public hearing and meeting on the zoning ordinance to June 22, 2005, at 5:30 p.m. The motion was seconded by JoAnn Frost and passed unanimously on a voice vote.

#### 4.0 **Other Business (Reports by Commissioners)**

4.1 No reports were given.

**5.0 Community Development Directors Report**

5.1 No report was given.

**6.0 Approval of Minutes**

6.1 Ms. Frost moved to approve the minutes as submitted. The motion was seconded by Mr. Keane and passed unanimously on a voice vote.

The meeting adjourned at 10:04 p.m.